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**MANIFESTO,**

*182*  
Asserting and Clearing the

**LEGAL RIGHT**

OF the **PRINCESS**

**SOPHIA,**

And Her **ISSUE**, the Serene House of

**HANOVER,**

To the Succession of

**SCOTLAND.**

Re-printed in the Year 1704

SCOTLAND.

To the Succession of

HANOVER.

And the Issue thereof.



Of the University of Edinburgh.

Re-printed in the Year 1704.



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# MANIFESTO,

*Asserting and Clearing the LEGAL Right of the Princess SOPHIA, and Her Issue, the Serene House of HANOVER, to the Succession of SCOTLAND.*

**T**HAT the Kingdoms of *England* and *Scotland* are *Hereditary Monarchies*, descending (by *Law* and *Custom* immemorial) to the Next in Blood; is *universally* known, and has been always yielded.

Notwithstanding, true it is, that as all other Things, so the Succession in Hereditary Monarchies is subject to the Law of *Necessity*; and to such *Modifications*, as the Universal Law of *Reason* and *Equity* may, on emergent Occasions, prescribe both to King and People.

All Actions, or Defects, by which a King in Possession becomes deprived, do also disable the Prince or Princes that have the Right of Succession. Those Defects and Acts (for so much as concerns our present Enquiry) may be reduced to these Two, *Incapacity*, and *Abdication*.

*Abdication* (Renunciation, Desertion, Cession) being the Act of the Prince himself, does naturally Bar him of any Claim for the future. Yet it is held, and has been practised, that the People or Kingdom not bound to accept it. If they accept it not, either expressly, or by some Act or Acts (declarative) on their part, the Abdication is a Nullity: For the Contract between the King and People being *mutual*, the Consent or Act of *Both* is necessary to dissolve it.

The *Abdication* by His late Majesty K. *James*, was accepted (or rather declared) by his Subjects, by their *Representatives* in Parliament, who only can do it: So the Throne became truly Vacant.

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A present Possessor can thus make vacant the Throne, as to his own Person; but no Act of his, in this kind, can affect the Legal Rightful Successor. The Monarchy or Government, and Laws of Succession, remain as before: The Act of *Abdication* can do no more than the Death of the King would do, make the Throne vacant for the next Successor.

When K. James abdicated, the Thrones became vacant for his Eldest Daughter, the Lady M A R Y; called therefore by the Justice of the S T A T E S of the Kingdoms to the vacant Thrones, And the Lady Anne in pursuance of the due Course of Succession was acknowledged and declared Successor to Her Sister dying without Issue.

We noted, and confessed before, That as every other Thing, so Hereditary Succession is subject to the *Law of Necessity*, and to such Modifications as the *Law of Equity and Reason* may (in extraordinary Cases) prescribe. Therefore the States, as well of *England* as *Scotland*, taking into Consideration the deliverance of these Nations, and of the Legal Succession it self, at the Expence and by the Personal Hazard of His Highness the Prince of Orange Husband of the Lawful Successor, First Prince of the Blood, and whole Power and Conduct was then necessary, to preserve what had been (so adventurously and happily) saved from imminent Ruin: they declared, and were obliged by the *Law of Equity and Reason*, the Law (be it spoke with due Reverence) that binds G O D as well as Man, to declare His Highness K I N G, as his Wife Queen; and to agree that the Administration should be in Him alone during Life.

I think it will not be denied, that *Necessity*, as well as *Equity & Reason*, concurred to this Modification of the Succession. The Succession was modified, for one Turn only, from the *Equitable* Consideration of the Merit of that Prince; and because this Method was *Necessary* to conserve as well the Legal Succession it self, as our Liberties, and the Protestant Religion; all which had been lost, if not maintained by the Conduct and Puissance of Him, who (under G O D) had saved them to us.

The short is; the *Abdication* by K. James, our late Sovereign, made the *Scottish* and *English* Thrones vacant for the next Successor, his Eldest Daughter; and after Her, to the Princess Anne, our now most Gracious Queen. To the former (and for Life only) was added the

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Prince of Orange, already one with Her, by the Sacred Bond of Marriage, and who could not be Excluded without our Loss of all again. The Conclusion from all, is,

That Her present Majesty, and Her Heirs in the Lineal usual Succession, are the Legal (not Elective or Arbitrary) Possessor and Heirs of the Hereditary Kingdoms of Scotland and England, and the Acquisitions depending on them.

None of those Heirs to Her Majesty having Abdicated, let us next see by what other means they may be Legally or Equitably Excluded from their Succession to Her?

Incapacity, and that only, (as we have said before) is a Bar to any the most Rightful Succession whatsoever: It is indeed but one Word, but includes a great many Things: I must remember I am writing a Memorial, not a Book; and therefore will not touch on any sort of Incapacity, not pertinent to be mentioned in debating the Succession of Scotland.

I maintain then, That to be a Roman Catholick doth Incapacitate what ~~-----~~ to a Protestant Succession. I say not every Difference in Religion doth Incapacitate; the contrary is most Evident, in that no Two Men have the same Sentiments in all Articles and Points of Religion: But "only Such Difference, that the Prince cannot (sincerely) swear to Preserve the Laws of the Country, Because no single or particular Man can subsist either safely, or with tolerable Convenience and Accommodation, without the concurrence and assistance of many others; therefore in all parts of the World, Men have affected Society, and a certain Confederation, as we may speak.

As single Men subsist by means and help of Society, observation of their Original Pacts, expressly agreed (or reasonably supposed) when they Confederated and Associated. It was soon perceived, that these Pacts (or Laws) might not be trusted for their Execution, to the Honesty and good Conscience of every Member of the Society; but a common Person must be chosen and appointed, who shall be *Vindex Legum*, the Conservator and Executor of the Laws or Pacts. As the Society increased, so this Office became too busy and burthensome for one man (alone and unassisted) to Discharge; therefore others were added

added to him; not that such should be *Co-ordinat* or Equal with him which would beget Strife and contrary Sentences and Judgments; but *Sub-ordinate*, or acting by his Authority, and in his Name. Thus a King and an Interior Magistracy being Established, all things went well till the Death of the King: But then it became a Question, Who shall Succeed in that necessary Office? The way of *Election* was in time found very inconvenient, as occasioning deadly Feuds and ruinous Wars, and thus setting the Society to destroy itself. Therefore *Hereditary Succession* was made a Law, in most Political Societies; indeed in all that became thoroughly Civilized, on condition only that such Hereditary Successor be a *capable Person*. Of all (imaginable) Incapacities none is greater or more notorious than that the Successor cannot, Engage, That he will endeavour the Preservation of the Laws, that are the *Ligaments and Bands of the Society*.

Let us now apply this to our present purpose.

The Establishment and Encouragement of our *Reformation*, and the Penal-Laws against the *Mass*, the Supremacy of the *Pope* and other parts of *Popery*, are a great and weighty part of the Body of the *Laws* in every Protestant Society and Country; and the *Properties* of vast Numbers of the Subjects are so far concerned and interwoven with those Laws, that their *Religion* and *Property* are saved or lost together.

Those (precious) Laws, I say, are the most Important part of the Laws of a Protestant Country and Society. Can a *Catholick* Prince Engage and Swear to the Maintainance and Execution of them, and *Intend* what he Swears: It is manifest, he cannot; and thereby is *Inhabilitated* to be Successor in any such Kingdom or Principality.

The Succession, we grant freely, is *Hereditary*; but withal it is an Hereditary Office, that requires a *Capacity* in the Person, to the Performance of it; which also is confessed by the *generality* of (if not by all) *Lawyers*, *Divines*, and *Politicians*, as well as manifest in the *Nature of the Thing*.

This sort of *Incapacity* is acknowledged all the World over; in particular among Papists and Protestants. *France*, *Spain*, *Portugal*, and other *Catholick* Countries, will no more admit of a Protestant Successor; than *England*, *Sweden*, or *Denmark*, or other Protestant Nation will a Po-  
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pish Successor; and this for the Reason before given; viz. Such Successor cannot *Intend* the Preservation, but Subversion of the Religion, the Ecclesiastical Constitution; and the *Properties* ( or Estates ) of those Multitudes that depend on the *Laws* that relate to the Church and Religion.

From these Premises I conclude again, That; ' All the Princes and Princesses of the Royal Line & Blood, but the Lady *Sophia* & her Issue, being under this ( incurable ) Incapacity, therefore *She* and *They* only, have the *Legal Hereditary Right* to the *Scotish Succession*: & therefore the saids Right when the Throne becomes Vacant, ought not to be opposed.

As to the *Persons* of these Princes, the Lady *Sophia* is about LXX. Years of Age; a *Princess of the best Address*, and the most Accomplished of any in Germany; Says a most curious Observer; *Chamberlain Present State of England*, p. 118, Common Fame, and the Pens of a great number of Ingenious Writers speak more at large, what that Learned Gentleman has said in those few ( but Nervous ) Words.

Her Son (the Duke of *Hanover*; and Elector of the Empire) has signalized his Wisdom and Conduct on so many Occasions, and so generally known, particularly in the Rescue of *Holstein* from the *Danish* Army, commanded by the *Danish* King himself, that his Merit would Entitle him to our *Choice*, if our Kingdoms were indeed *Elective*.

The Electoral Prince, his Eldest Son, in a late shining Congress of Princes, appeared so Gallant, in respect of Wit, Fire, Address, and other Glories of Youth, that he drew on him the Eyes and Respect of the whole Illustrious Assembly: All the Foreign *Prints* were full of it.

The *Power* of this House is of the first Rank in *Germany*. The Father of the present Elector was carried to his Interment on the Shoulders of *Sixteen Colonels* ( Commanders of so many *Regiments* ) in the constant Pay of his Highness. The present Elector, as we said, defended *Holstein* against his *Danish* Majesty; and obliged him also to raise his Siege from before *Tonningen*, which he had invested with a Royal Army.

In the beginning of the present War against *France*, the Elector besieged *Brunswick*, tho defended (within and without) by Twelve Thou-

*A Manifesto Concerning*

Thousand Men, Veteran Troops; and obliged that Duke to come into the present Alliance of the *High Confederates* against *France*. He lends at present Eight Thousand Men to the States of *Holland*, and as many to the *Emperor*; besides his full Quota, as Duke of *Hanover*, to the Army of the Circles or Empire; and besides his (numerous) Troops at Home, for quieting the *Lower Saxony*. It is no peradventure, that he is abundantly able to do himself Right, when time shall be, in *Scotland*, especially with the Loyal Concurrence of so many there, that will be of a Party with the *Lawful Successor*.



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